

CONSTITUTIONAL REFORM

12. It is now exactly a year since the new Constitution in this State was inaugurated. Though it is too early to assess the real value of this constitution, sufficient experience has been gained to warrant the conclusion that the objective which His Highness the Maharaja and his advisers had in view has been amply realised. The constitution has had many critics, especially outside this State. Cochin can claim today that in the three great spheres of State activity she has reached a stage of development of which she can feel legitimately proud. Cochin today possesses a representative legislature with effective powers, an efficient executive with real popular control over certain departments, and an independent judiciary which enforces the rule of law. Let me examine in a brief manner the validity of this three-fold claim which I make.

THE LEGISLATURE

13. The Legislative Council has a strong non-official majority elected on a fairly broad franchise. Almost every department of the State is exposed to its scrutiny and criticism. The right of asking questions about any of the activities of Government is unrestricted, subject to the observance of rules which are in force even in the most democratic legislatures. The Council has also an effective voice in the control of public expenditure. The extent of this control is the real index to the power and status of a legislature. There has been a good deal of misconception based upon ignorance about the financial power of this Legislative Council. Let me, therefore, dilate a little more on this theme. If you see the budget figure for 1115 you will observe that the net expenditure of the State, excluding the working charges of the railway, is Rs. 90.61 lakhs. The working expenses on the railways have to be excluded, because they are an inevitable item of expenditure in a commercial concern and the expenditure is really controlled by the South Indian Railway Company on our behalf. Out of this net expenditure of Rs. 90.61 lakhs, the voted expenditure comes to Rs. 59.72 lakhs and the non-voted expenditure comes to Rs. 30.89 lakhs. If you analyse the various items of non-voted expenditure in greater detail, you will find that a great deal of it relates to expenditure of an obligatory character which must be necessarily voted by the Legislative Council even if the Council had technically the power of voting on these items. The expenditure of Rs. 7.50 lakhs for the Palace, of Rs. 2 lakhs for Subsidy to the British Government, of Rs. 4.34 lakhs under "Pensions and Gratuities," of Rs. 6.11 lakhs under "Interests and Sinking Fund Charges," of Rs. 1.69 lakhs under "Refunds relating to Income-tax and tax on Match Excise" and Rs. 87,000 under "Religious and Charities" make a total of Rs. 22.51 lakhs under the non-voted items. For purposes

of assessing the real power possessed by the legislature over public finances, these items have to be considered as coming under the category of obligatory expenditure. If you exclude this amount from the non-voted expenditure, you will find that the really non-voted expenditure comes to only Rs. 8.38 lakhs. In other words, in a total net budget of Rs. 90.61 lakhs, the legislature has no control over only Rs. 8.38 lakhs. Looked at from this point of view, I am satisfied that the Legislative Council in Cochin has a real and effective control over the public expenditure of the State.

THE EXECUTIVE

14. Let us now turn our attention to the executive administration of the State and examine how far there is popular control over certain important departments. The intention of the new constitution was to entrust certain nation-building departments to the control of a popular Minister commanding the confidence of the legislature. It is recognised on all hands that in the choice of the Minister His Highness has acted in the most constitutional manner. The leader of the political party which, in the opinion of His Highness, commands a majority in this House has been entrusted with the responsibility of administering these departments, and he has been given a free and unfettered hand in his work. The announcement made by His Highness that it is his intention to act in accordance with the advice of the Minister in all matters connected with the administration of the transferred departments has been carried out to the fullest extent. Though the constitution provides that His Highness may in certain cases order that action otherwise than in accordance with the Minister's advice should be taken, this power has not been exercised even in a single instance during the last one year. Though according to the rules certain decisions of the Minister affecting the finances of the State require the approval of the Diwan, there has not been a single instance in which that approval has been withheld. In other words, during the last twelve months since the new constitution began to work, there has not been a single instance in which the Minister's recommendations were either vetoed or interfered with. In addition to the subjects that were transferred to the Minister in the first instance, two additional subjects, Fisheries and Rural Libraries, have also since been transferred. It is a matter for supreme gratification that, in spite of all the forebodings regarding the fate of a dyarchic constitution, practical good sense and statesmanship have prevailed and the constitution has so far worked smoothly and satisfactorily. There is a good deal of misapprehension in some quarters outside the State about the exact scope of the Minister's activities. Recently I saw in a newspaper a statement made in all seriousness that the total amount of money placed at the disposal